

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

## PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20076Application 28319 of Union Oil Company of CaliforniaP.O. Box 6854, Santa Rosa, California 95406filed on November 9, 1984, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

## 1. Source:

## Tributary to:

Big Sulphur CreekRussian River

## 2. Location of point of diversion:

	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridian
North 420 feet and West 735 feet from SE corner of Section 19	SE $\frac{1}{4}$ of SE $\frac{1}{4}$	19	11N	8W	MD

County of Sonoma

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridian	Acres
Industrial	All of Sections in		12N	9W	MD	
	All of Sections in		12N	8W	MD	
	All of Sections in		11N	8W	MD	
	Portions of Sections 1-6 9-16, 22-27, 34-36		11N	9W	MD	
	Portions of Sections 1-6		10N	8W	MD	
	Portions of Sections 1 & 2 as shown on a map filed with the State Water Resources Control Board		10N	9W	MD	

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 12.27 cubic feet per second from October 1 of each year to June 30 of the succeeding year for industrial purposes (injection), and 0.032 cubic foot per second from January 1 to December 31 of each year for industrial purposes (construction). The maximum amount diverted under this permit for all uses shall not exceed 6,658.43 acre-feet per year.

(0000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants.

(0000006)

7. Complete application of the water to the authorized use shall be made by December 31, 1991.

(0000009)

8. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued.

(0000010)

9. Permittee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

(0000011)

10. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

11. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

(0000013)

12. This permit shall not be construed as conferring upon the permittee right of access to the point of diversion.

(0000022)

13. The equivalent of the continuous flow allowance for any 30-day period may be diverted in a shorter time, provided there be no interference with other rights and instream beneficial uses; and provided further that all terms or conditions protecting instream beneficial uses be observed. ✓

(0000027)

14. Permittee shall comply with the following provisions which are derived from the Memorandum of Understanding between permittee and the County of Sonoma executed on November 7, 1983 and filed with the State Water Resources Control Board:

- (1) From October 1 of each year through March 31 of the succeeding year, permittee shall bypass a minimum of 10 cubic feet per second or the total streamflow, whichever is less; and

From April 1 through June 30 of each year, permittee shall bypass a minimum of 5 cubic feet per second plus 50 percent of the remaining streamflow or the total streamflow, whichever is less.

All bypass requirements shall be measured at the USGS streamflow gauging station immediately downstream of Units 1 and 2.

- (2) Whenever the streamflow is less than 5 cubic feet per second, permittee shall not conduct backflush operations.
- (3) In the event that the County of Sonoma, California Department of Fish and Game and/or State Water Resources Control Board determines that stream or associated biota are endangered due to the authorized diversion, permittee shall cease diverting water under this permit upon written notification from the State Water Resources Control Board.

Inclusion of this permit of certain provisions of the referenced Memorandum of Understanding shall not be construed as disapproval of other provisions of the Memorandum of Understanding or as affecting the enforceability, as between the parties, of such other provisions insofar as they are not inconsistent with the terms of this permit. ✓

(0140300)

15. Prior to October 1, 1989, or such further time as authorized by the Sonoma County Planning Department, permittee shall complete an instream flow and water quality study in Big Sulphur Creek subject to review and approval by the California Department of Fish and Game and the Sonoma County Planning Department. Following completion of the study, permittee shall immediately furnish the Chief, Division of Water Rights copies of the study, any associated results or conclusions, and the approval documentation by the Department of Fish and Game and the Sonoma County Planning Department, including any comments accompanying or made part of such approvals. ✓

(0390500)

16. The State Water Resources Control Board reserves jurisdiction to revoke this permit or to modify the terms and conditions of the permit, including imposition of requirements to alter project facilities or operations and to modify minimum instream flows, based on the results of the instream flow and water quality study or in the event that adverse environmental impacts occur from the authorized diversion. Board action will be taken only after notice to interested parties and opportunity for hearing. ✓

(0400600)

**This permit is issued and permittee takes it subject to the following provisions of the Water Code:**

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: MAY 19 1987

STATE WATER RESOURCES CONTROL BOARD

*Raymond Wash*

Chief, Division of Water Rights